

ANNUAL REPORT

FISCAL YEAR 2002-2003

CAREER SERVICE REVIEW BOARD

STATE OF UTAH



BOARD MEMBERS

BLAKE S. ATKIN
Chair

JOAN M. GALLEGOS

FELIX J. McGOWAN

GLORIA E. WHEELER

DALE L. WHITTLE

STAFF

ROBERT W. THOMPSON
Administrator

CLAUDIA L. JONES
Legal Secretary

CAREER SERVICE REVIEW BOARD OFFICE

1120 State Office Building, Salt Lake City, Utah 84114-1561 Phone (801) 538-3048 FAX (801) 538-3139
www.csr.b.utah.gov

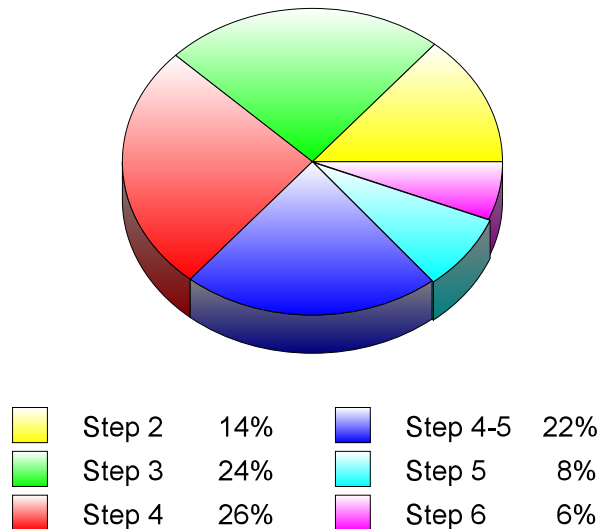
**LEVELS AT WHICH GRIEVANCE CASES
WERE RESOLVED DURING FISCAL YEAR 2002-2003**

LEVELS OF RESOLUTION	GRIEVANCE CASES	NO. OF EMPLOYEES
Step 2 Immediate Supervisor	13	13
Step 3 Agency/Division Director	22	22
Step 4 Department Head	24	30
Mediation Forum (Between Steps 4 & 5)	20	23
*Step 5 Evidentiary Hearing	7	7
**Step 6 Appellate Review by Board	5	5
TOTALS:	91	100

*In addition to the seven cases resolved at Step 5 during Fiscal Year 2002-2003, the CSRB Hearing Officers held an additional eight hearings during Fiscal Year 2002-2003. These hearings are not reflected in this chart because the decisions were either issued after July 1, 2003, or are not yet resolved because they are on appeal to Step 6.

**In addition to the five cases resolved at Step 6 during Fiscal Year 2002-2003, the Board held one other hearing in which it remanded the case to the Hearing Officer for further deliberation.

LEVELS OF RESOLUTION BY PERCENT



**NUMBER OF APPEALS FROM DISCIPLINARY
PENALTIES AND LEVELS OF RESOLUTION
DURING FISCAL YEAR 2002-2003**

LEVEL	DISCIPLINARY* PENALTIES RESOLVED
Step 2	3
Step 3	5
Step 4	4
Mediation Forum (Between Steps 4 & 5)	10
**Step 5	7
***Step 6	5
TOTAL:	34



***Note:** There are only four disciplinary actions designated by statute: written reprimand, suspension, demotion and dismissal (*Utah Code*, Section 67-19a-302(1)). No other issues qualify as disciplinary actions.

****** Of the eight additional Step 5 evidentiary hearings held during Fiscal Year 2002-2003, four were related to disciplinary matters.

**RESOLUTION ON APPEALS FROM DISCIPLINARY ACTIONS
DURING FISCAL YEAR 2002-2003**

LEVEL	ACTION	NUMBER	DETERMINATION					
			AFFIRMED	MODIFIED	RESCINDED			
Step 2	Reprimand	1	1	0	0			
	Suspension	2	2	0	0			
	Demotion	0	0	0	0			
	Dismissal	0	0	0	0			
Step 3	Reprimand	1	1	0	0			
	Suspension	4	3	0	1			
	Demotion	0	0	0	0			
	Dismissal	0	0	0	0			
Step 4	Reprimand	0	0	0	0			
	Suspension	3	2	1	0			
	Demotion	1	0	1	0			
	Dismissal	0	0	0	0			
Mediation/Jurisdiction Forum	Reprimand	3	0	2	1			
	Suspension	0	0	0	0			
	Demotion	0	0	0	0			
	Dismissal	7	4	3	0			
Step 5	Reprimand	1	1	0	0			
	Suspension	0	0	0	0			
	Demotion	0	0	0	0			
	Dismissal	6	2	0	4			
Step 6	Reprimand	0	0	0	0			
	Suspension	1	0	1	0			
	Demotion	1	0	0	1			
	Dismissal	3	3	0	0			
TOTAL DISCIPLINARY APPEALS:		34	=	19	+	8	+	7

**FREQUENCY DISTRIBUTION OF GRIEVANCE ISSUES
DURING FISCAL YEAR 2002-2003**

ISSUES	OCCURRENCES
Dismissal	16
Salary Issues	13
Pay Equity (8)	
Pay Increase (3)	
Administrative Salary Increase (2)	
Suspension	10
Corrective Action	9
Hostile Work Environment	8
Promotion	8
Written Reprimand	6
Written Warning	6
Administrative Actions	4
Classification	4
Transfer	4
Personnel Rule Violation	4
Performance Appraisal	3
Policy Violation	2
Discrimination	2
Demotion	2
Administration of Benefits	1
Administrative Leave	1
Educational Assistance	1
Performance Plan	1
Reasonable Accommodation	1
Reassignment	1
Retaliation	1

ISSUES	OCCURRENCES
Training Request	1
Work Schedule	1
Working Conditions	1
Workplace Violence	1
<u>TOTAL ISSUES GRIEVED:</u>	112

Note: There were 91 grievance cases resolved; however, many cases had multiple issues grieved. Thus, the overall number of grievance issues resolved (112) exceeds the total number of employees' cases (91) that were resolved.

**GRIEVANCE CASES IDENTIFIED BY DEPARTMENTS
AND LEVELS OF RESOLUTION
DURING FISCAL YEAR 2002-2003**

**ADMINISTRATIVE
SERVICES**

Step 2 - 0
3 - 2
4 - 0
4-5 - 0
5 - 0
6 - 0

CORRECTIONS

Step 2 - 3
3 - 12
4 - 18
4-5 - 4
5 - 0
6 - 1

COMMERCE

Step 2 - 0
3 - 0
4 - 0
4-5 - 1
5 - 0
6 - 0

FINANCIAL INSTITUTIONS

Step 2 - 0
3 - 0
4 - 0
4-5 - 0
5 - 0
6 - 1

HEALTH

Step 2 - 0
3 - 1
4 - 0
4-5 - 0
5 - 0
6 - 0

HUMAN SERVICES

Step 2 - 8
3 - 7
4 - 5
4-5 - 6
5 - 1
6 - 2

INSURANCE

Step 2 - 0
3 - 0
4 - 0
4-5 - 0
5 - 1
6 - 0

NATURAL RESOURCES

Step 2 - 0
3 - 0
4 - 0
4-5 - 1
5 - 0
6 - 0

PUBLIC SAFETY

Step 2 - 0
3 - 0
4 - 0
4-5 - 1
5 - 0
6 - 1

TAX COMMISSION

Step 2 - 1
3 - 0
4 - 0
4-5 - 2
5 - 1
6 - 0

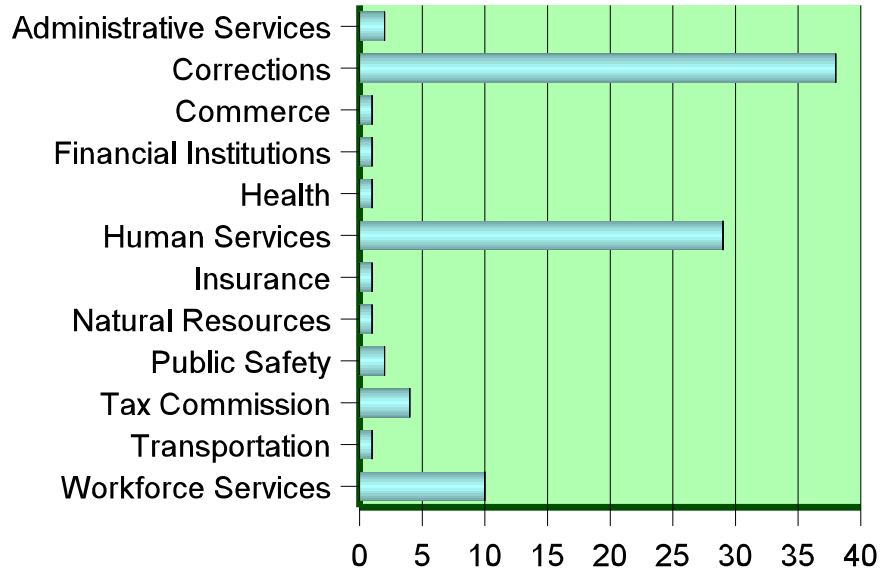
TRANSPORTATION

Step 2 - 0
3 - 0
4 - 0
4-5 - 0
5 - 1
6 - 0

WORKFORCE
SERVICES

Step 2 - 1
3 - 0
4 - 1
4-5 - 5
5 - 3
6 - 0

GRIEVANCES BY DEPARTMENT



**GRIEVANCE CASES PER LEVEL RESOLVED
DURING FISCAL YEAR 2002-2003**

STEP 2		
Immediate Supervisor	Cases: 13	Employees: 13

<u>Employees</u>	<u>Issues</u>	<u>Department/Division</u>
A.K.	Hostile Work Environment	Workforce Services
B.D.E.	Written Warning	Human Services/Utah State Hospital
B.E.	Work Schedule	Tax Commission/ Motor Vehicle Enforcement
D.L.	Written Warning	Human Services/Utah State Hospital
K.T.	Hostile Work Environment	Corrections/Institutional Operations
L.J.	5-Day Suspension	Human Services/Youth Corrections
M.C.	Benefits	Corrections/Institutional Operations
N.D.V.	Written Warning	Human Services/Utah State Hospital
R.J.	Administrative Actions	Human Services/Youth Corrections
S.P.	1. Corrective Action 2. Hostile Work Environment 3. 2-Day Suspension	Human Services/Youth Corrections
S. K.A.	Written Reprimand	Human Services/Youth Corrections
T.T.	Performance Appraisal	Human Services/Youth Corrections
W.L.	1. Policy Violation 2. Hostile Work Environment	Corrections/Institutional Operations

STEP 3**DIVISION/AGENCY DIRECTOR CASES: 22****EMPLOYEES: 22**

<u>Employees</u>	<u>Issues</u>	<u>Department/Division</u>
A.M.	1. 5-Day Suspension 2. Written Warning	Human Services/Utah State Hospital
A.A.	1-Day Suspension	Human Services/Youth Corrections
B.C.L.	Performance Appraisal	Human Services/Recovery Services
B.J.K.	Classification	Corrections/Institutional Operations
B.A.W.	Promotion	Corrections/Institutional Operations
E.V.B.	1. Written Repirmand 2. 3-Day Suspension	Health/Health Care Financing
H.L.	Promotion	Corrections/Institutional Operations
H.S.	Salary	Corrections/Field Operations
M.C.	1. Suspension 2. Administrative Leave	Human Services/Utah State Hospital
M.B.J.	Reassignment	Human Services/DCFS
M.R.G.	Salary	Corrections/Institutional Operations
M.B.	Salary	Corrections/Institutional Operations
P.D.W.	1. Hostile Work Environment 2. Corrective Action	Administrative Services/ITS
P.D.L.	Classification	Corrections/Institutional Operations
R.V.	Corrective Action	Corrections/Field Operations
R.D.	Personnel Rule Violation	Human Services/DCFS
S.J.D.	Transfer	Corrections/Field Operations
S.W.R.	Corrective Action	Administrative Services/ITS

S.D.	Personnel Rules Violation	Human Services/DCFS
S.S.	Salary	Corrections/Institutional Operations
T.D.A.	Promotion	Corrections/Institutional Operations
V.R.R.	Transfer	Corrections/Field Operations

STEP 4

DEPARTMENT HEAD

CASES: 24

EMPLOYEES: 30

<u>Employees</u>	<u>Issues</u>	<u>Department/Division</u>
B.A. (<i>et al.</i> 3)	Salary	Corrections/Institutional Operations
B.A.C.	1. Classification 2. Salary	Corrections/Institutional Operations
C.C.	Salary	Corrections/Field Operations
C.J.P.	Promotion	Corrections/Institutional Operations
D.I.	Salary	Corrections/Institutional Operations
D.J. (<i>et al.</i> 5)	Work Place Violence	Corrections/Institutional Operations
E.L.C.	Written Warning	Human Services/Youth Corrections
F.N.	Promotion	Corrections/Field Operations
H.P.	Corrective Action	Human Services/DCFS
H.K.	1. 3-Day Suspension 2. Training Request	Workforce Services
H.J.	1. Performance Appraisal 2. Corrective Action	Human Services/Utah State Hospital
L.J.	Educational Assistance	Corrections/Field Operations
M.R.R.	Salary	Corrections/Field Operations
N.R.	Suspension	Corrections/Institutional Operations

N.R.	1. Promotion 2. Rules Violation 3. Working Conditions	Corrections/Institutional Operations
N.R.J.	Retaliation	Corrections/Institutional Operations
O.D.L.	Salary	Corrections/Field Operations
O.D.L.	Salary	Corrections/Field Operations
P.D.L.	Demotion	Corrections/Institutional Operations
S.J.	1. Administrative Actions 2. Policy Violations	Corrections/Field Operations
S.Q.	Corrective Action	Human Services/DCFS
S.J.A.	Salary	Corrections/Field Operations
T.C.	Suspension	Human Services/Recovery Services
Z.R.C.	1. Performance Plan 2. Administrative Actions	Corrections/Institutional Operations

MEDIATION/JURISDICTIONAL FORUM
BETWEEN STEPS 4 AND 5 CASES: 20

EMPLOYEES: 23

<u>Employees</u>	<u>Issues</u>	<u>Department/Division</u>
B.D. (<i>et. al</i> 4)	1. Classification 2. Salary	Corrections/Institutional Operations
B.A.W.	Promotion	Corrections/Institutional Operations
D.J.	1. Letter of Reprimand 2. Corrective Actions	Workforce Services
E.C.L.	Unlawful Harassment	Human Services/Youth Corrections
G.F.F.	Dismissal	Human Services/Youth Corrections
H.B.E.	Promotion	Natural Resources/Parks & Recreation
H.J.	Discrimination	Tax Commission/Taxpayer Services

J.C.	Written Reprimand	Corrections/Institutional Operations
K.M.	Dismissal	Public Safety/Drivers License
M.M.L.	1. Transfer 2. Rules Violation	Tax Commission/Taxpayer Services
O.A.B.	Written Reprimand	Commerce/Consumer Protection
O.J.	Dismissal	Human Services/Utah State Hospital
O.M.	Dismissal	Corrections/Institutional Operations
O.D.L.	1. Hostile Work Environment 2. Corrective Action 3. Discrimination 4. Transfer 5. Reasonable Accommodations	Human Services/Recovery Services
S.K.	Dismissal	Workforce Services
S.W.A.S.	Dismissal	Human Services/Youth Corrections
T.B.	Administrative Actions	Workforce Services
T.E.	Letter of Warning	Workforce Services
T.D.	Dismissal	Workforce Services
T.J.	Hostile Work Environment	Human Services/DCFS

STEP 5		
EVIDENTIARY HEARING	CASES: 7	EMPLOYEES: 7

<u>Employees</u>	<u>Issues</u>	<u>Department/Division</u>
Dawn Alumbaugh	Dismissal	Insurance
Shawn Corey	Dismissal	Transportation
Hyrum Donley	Dismissal	Workforce Services
Stanley Nez	Dismissal	Workforce Services
Jesse Linan	Dismissal	Human Services
Isabella Souza	Dismissal	Workforce Services
Cynthia Williams	Written Reprimand	Tax Commission

Note: The following eight cases were heard at Step 5, but not resolved during Fiscal Year 2002-2003. These cases are not reflected in this report either because they are on appeal to Step 6 where they are currently pending or the Step 5 decision was issued after July 1, 2003, and thus, will be reflected in next year's Annual Report.

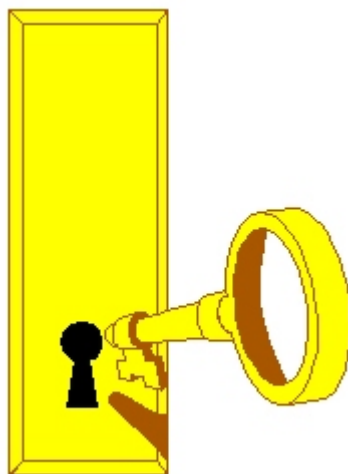
<u>Employee</u>	<u>Issue</u>	<u>Department</u>	<u>Decision Issued</u>	<u>Status</u>
Craig Burr & Lowell Clark	Salary	Corrections	December 13, 2002	On Appeal
Hurst et al.	Salary	Corrections	January 8, 2003	On Appeal
M. Dale King	Dismissal	Human Services	August 30, 2002	On Appeal
Stacy Pierce	Dismissal	Human Services	May 21, 2003	On Appeal
John Sorge	Dismissal	Attorney General	April 23, 2003	On Appeal
Carol Stearns	RIF	DCED	June 18, 2003	On Appeal
Kevin Yardley	Dismissal	Corrections	August 21, 2003	On Appeal
Melody Staples	Dismissal	Health	November 25, 2002	On Appeal

STEP 6**APPELLATE REVIEW/BOARD CASES: 5****EMPLOYEES: 5**

<u>Employee</u>	<u>Issue</u>	<u>Department/Division</u>
Stephen Brown	Demotion	Human Services/DSPD
Ronald R. Draughon	Dismissal	Financial Institutions
Norma Jean Glover	Dismissal	Corrections
Lori Laird	Dismissal	Human Services/Utah State Hospital
Ross Pace	Suspension	Public Safety/Utah Highway Patrol
*Hurst <i>et al.</i>	On-Call Pay	Corrections/Institutional Operations

*Note: The Board remanded this case to the hearing officer at Step 5 with instructions to reopen the record to consider the issue of excusable neglect. His Decision on Remand was issued January 8, 2003. The case is again on appeal.

Communication Can Be The Key



**JURISDICTIONAL HEARINGS AND
ADMINISTRATIVE REVIEWS OF THE FILE
CONDUCTED DURING FISCAL YEAR 2002-2003**

JURISDICTIONAL HEARINGS:

A jurisdictional hearing is a formal adjudication conducted according to the Utah Administrative Procedures Act. These hearings are held at the request of employees, agency management, or at the initiative of the CSRB administrator. Jurisdictional hearings address the four issues of: timeliness, direct harm, standing and eligibility to advance issues and remedies to the evidentiary/step 5 level, according to *Utah Code*, §67-19a-403(2)(b)(i)(Supp. 2000).

EMPLOYEE/CASE NO.	ISSUE	DEPARTMENT/DIVISION
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Carl A. Jacobson/J.H. 115	Written Warning	Corrections/Institutional Operations
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ADMINISTRATIVE REVIEWS OF THE FILE:

An administrative review of the file is an informal adjudication under the Utah Administrative Procedures Act. The contents of the CSRB's case files are reviewed and a written legal decision is issued. The decision is based upon a consideration of all documents contained in the CSRB's file. These reviews are conducted according to *Utah Code*, §67-19a-403(2)(b)(ii)(Supp. 2000).

EMPLOYEE/CASE NO.	ISSUE	DEPARTMENT/CASE NUMBER
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Cyndi Lee Eaton April 17, 2003	Subject Matter	Human Services – J.H. 120
June Hesleph May 28, 2003	Subject Matter	Tax Commission – J.H. 122
Mericia Miligan November 6, 2002	Subject Matter	Tax Commission – J.H. 118
Adam Olson September 3, 2002	Subject Matter	Commerce – J.H. 116
Darryl L. Owens April 18, 2003	Subject Matter	Human Services – J.H. 121
W.A. Steve Stephenson June 30, 2003	Timeliness	Human Services – J.H. 123
Ben Taylor September 18, 2002	Subject Matter	Workforce Services – J.H. 117
Elizabeth Thorpe November 15, 2002	Subject Matter	Workforce Services – J.H. 119

**JUDICIAL REVIEW BY THE COURTS
PENDING DURING FISCAL YEAR 2002-2003**

1. *Ronald R. Draughon, Grievant, V. Utah Department of Financial Institutions, Agency.*
CSRB Case No. 7 CSRB 66

Designation in the Court of Appeals:

Ronald R. Draughon, Petitioner, v. Utah Department of Financial Institutions, and Utah Career Service Review Board, Respondents.
Appeal No. 20030575-CA

2. *Gil Naisbitt, Grievant, v. Utah State Tax Commission, Agency.*
Letter dated September 17, 2001 from CSRB Administrator

Designation in Third Judicial District Court:

Gil Naisbitt, et al., Petitioner, v. Robert N. White, Administrator Career Service Review Board, and Rodney G. Marrelli, Executive Director, Utah State Tax Commission, Respondents.
Letter Dater September 17, 2001 from CSRB Administrator

3. *Trooper Ross G. Pace, Respondent, v. Utah Department of Public Safety, Appellant.*
CSRB Case No 7 CSRB 64

Designation in the Court of Appeals:

State of Utah, Department of Public Safety, Petitioner, vs. Utah Career Service Review Board, Respondent.
Appellate Court No. 20030155-CA

4. *Cynthia Williams, Grievant, v. Utah State Tax Commission, Agency.*
Letters dated September 27, 2001, and October 1, 2001, from CSRB Administrator

Designation in Third Judicial District Court

Cynthia Williams, an individual, Petitioner, v. State of Utah, Career Service Review Board, and State of Utah, Utah State Tax Commission, Respondents.
Civil No. 010909045

**STATISTICAL SUMMARY OF ACTIVITIES
FOR FISCAL YEAR 2002-2003**

GENERAL:

Grievance cases resolved in the CSRB forum:	91
Career service employees participating in the grievance process:	100
Evidentiary/step 5 hearings conducted:	15
Evidentiary/step 5 hearings decisions issued:	15
Appellate/step 6 hearings conducted:	6
Appellate/step 6 decisions issued:	6
Jurisdictional hearings conducted/decisions issued:	1
Administrative reviews of the file conducted/issued	8
Cases resolved, mediated or otherwise settled following an appeal to Step 5:	20

CSRB BOARD CHAIRPERSON AND BOARD MEMBERS:

Step 6 decisions issued:	6
Orders/Rulings issued:	2

CSRB ADMINISTRATOR:

Prehearing/scheduling conferences conducted:	32
Prehearing conference summaries/orders issued:	32
Other orders issued:	37
Conciliation conferences held:	2
Jurisdictional hearing decisions issued:	9

CSRB HEARING OFFICERS/PRESIDING OFFICERS:

Step 5 hearing decisions issued	15
Prehearing conferences and motion conferences held:	2
Prehearing conference orders issued:	2
Orders Issued by CSRB Hearing Officers	27

THE COURTS:

CSRB decisions issued by the Court of Appeals:	0
CSRB cases currently pending before the Court of Appeals:	2
CSRB cases currently pending before the District Court	2

**ANNUAL GRIEVANCE CASES COMPARED
FOR TEN YEAR PERIOD
FISCAL YEARS 1993-1994 THROUGH 2002-2003**

FISCAL YEAR	TOTAL GRIEVANCES	JURISDICTIONAL HEARINGS	STEP 5 HEARINGS	STEP 6 HEARINGS
93-94	94	5	7	6
94-95	114	3	9	2
95-96	115	14	10	2
96-97	104	4	9	2
97-98	126	5	14	2
98-99	122	2	5	1
99-00	103	3	5	1
00-01	116	6	10	1
01-02	78	5	2	1
02-03	91	9	15	6

TOTAL GRIEVANCES

1993-1994 THROUGH 2002-2003

